



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

[Handwritten Signature]

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,235	12/12/2003	John Thomas	8.101	1848
23598	7590	08/25/2006	EXAMINER	
BOYLE FREDRICKSON NEWHOLM STEIN & GRATZ, S.C. 250 E. WISCONSIN AVENUE SUITE 1030 MILWAUKEE, WI 53202			VANTERPOOL, LESTER L	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/735,235	Applicant(s) THOMAS ET AL.
	Examiner Lester L. Vanterpool	Art Unit 3727

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date June 17, 2004.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Claim 25 and 26 recite the reference character "cap". However, the Specification page 1 – 19 does not disclose nor identifies the reference character "cap".

Appropriate correction is required.

Claim Objections

2. Claim 25 and 26 are objected to because of the following informalities: Claim 25 and 26 recite the reference character "cap". However, the Specification page 1 – 19 does not disclose the reference character "cap". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Applicant Attempted Filed Prior Art. Applicant Filed Prior Art Figure #6 discloses the three dimensionally contoured plastic substrate (See Figure 6) and insulation disposed on the three dimensionally contoured plastic substrate (See Figure 6).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hockenberry et al., (U.S. Patent Number 4671570) in view of Miyaake et al., (U.S. Patent Number 6333466). Hockenberry et al., discloses the three dimensional contoured plastic substrate (See Column 3, lines 43 – 45).

However, does not disclose the insulation disposed on the three dimensionally contour plastic substrate.

Miyaake et al., teaches the insulation disposed on the three dimensionally contour plastic substrate (See Column 3, line 32 – 39) for the purpose of providing durability.

It would have been obvious to one ordinary skill in the art at the time the invention was made to make the insulation disposed on the three dimensionally contour plastic substrate as taught by Miyaake et al., with the carrier of Hockenberry et al., in order to enhance production durability.

7. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hockenberry et al., (U.S. Patent Number 4671570) and Miyaake et al., (U.S. Patent Number 6333466) as applied to claim 1 above, and further in view of Menegatto (U.S. Patent Number 5431004). Hockenberry et al., and Miyaake et al., disclosed the invention substantially as claimed. Miyaake et al., discloses the insulation is adhesively attached to the plastic substrate (See Column 3, lines 32 – 36) for the purpose of providing adequate anchoring.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insulation adhesively attached to the plastic substrate as taught by Miyaake et al., with the carrier of Ahrens in order to enhance adequate anchoring.

However, Hockenberry et al., and Miyaake et al., does not disclose the insulation comprised of nonmetallic particles.

Menegatto teaches the insulation is comprised of nonmetallic particles (See Column 4, line 45) for the purpose of providing additional flexibility without compromising durability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insulation comprised of nonmetallic particles as taught

by Menegatto with the carrier of Ahrens in order to enhance flexibility without compromising durability.

8. Claims 3 – 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hockenberry et al., (U.S. Patent Number 4671570) in view of Miyaake et al., (U.S. Patent Number 6333466) as applied to claim 1 above, and further in view of Raines (U.S. Patent Number 6974007). Hockenberry et al., and Miyaake et al., discloses the invention substantially as claimed. Hockenberry et al., discloses the plastic substrate (See Column 3, lines 43 – 45). Miyaake et al., discloses the insulation having thickness (See Column 2, lines 48 – 63).

However, Hockenberry et al., does not disclose the insulation having the thickness of no greater than 0.10 inch and is kept at the temperature that is at or below 200 degrees Fahrenheit due to the insulation.

Raines teaches the insulation that is kept at a temperature due to insulation (See Column 4, lines 58 – 62) for the purpose of providing protection.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insulation of Raines having the thickness of no greater than 0.10 inch and is and the plastic substrate at the temperature that is at or below 200 degrees Fahrenheit due to the insulation, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding claim 4, Miyaake et al., discloses the insulation is comprised of nonmetallic particles in the adhesive binder, the insulation adhesively adheres to the plastic substrate (See Column 3, line 32 – 39), the insulation forms the layer on the plastic substrate that is thinner than the thickness of the plastic substrate, and the insulation has the thickness of between 0.10 inch and about 0.01 inch (See Column 3, lines 39 – 43) for the purpose of providing adequate anchoring.

It would have been obvious to one to one having ordinary skill in the art at the time the invention was made to make the insulation of Raines comprised of nonmetallic particles in the adhesive binder, the insulation adhesively adheres to the plastic substrate, the insulation forms the layer on the plastic substrate that is thinner than the thickness of the plastic substrate, and the insulation has the thickness of between 0.10 inch and about 0.01 inch as taught by Miyaake et al., with the carrier of Ahrens in order to enhance adequate anchoring.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insulation forms the layer on the plastic substrate of Raines that is thinner than the thickness of the plastic substrate, and the insulation has the thickness of between 0.10 inch and about 0.01 inch, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding claim 5, Hockenberry et al., and Miyaake et al., discloses the invention substantially as claimed.

However, Hockenberry et al., and Miyaake et al., does not disclose the insulation comprised of radiant heat deflecting particles received in the binder and the insulation adhesively adheres to the plastic substrate.

Raines teaches the insulation comprising of radiant heat deflecting particles received in the binder and the insulation adhesively adheres to the plastic substrate (See Column 4, lines 58 – 62) for the purpose of providing protection.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insulation of Raines comprised of radiant heat deflecting particles received in the binder and the insulation adhesively adheres to the plastic substrate as taught by Raines with the carrier of Hockenberry et al., in order to enhance reliability.

Regarding claim 6, Raines discloses the insulation is comprised of radiant heat deflecting particles that prevent the plastic substrate from reaching the temperature of any greater than 155 degrees Fahrenheit (See Column 4, lines 58 – 62).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insulation of Raines comprised of radiant heat deflecting particles that prevent the plastic substrate from reaching the temperature of any greater than 155 degrees Fahrenheit, since it has bee held that where the general

conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

9. Claim 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hockenberry et al., (U.S. Patent Number 4671570) in view of Miyaake et al., (U.S. Patent Number 6333466) as applied to claim 1 above, and further in view of Powell et al., (U.S. Patent Number 6223960) and Raines (U.S. Patent Number 6974007).

Hockenberry et al., and Miyaake et al., discloses the invention substantially as claimed.

Powell et al., teaches the carrier (10) has the portion (26) that receives and supports the object (See Column 3, lines 8 – 11 & lines 19 – 21).

However, Powell et al., does not disclose the insulation keeps the object at the temperature that is at or below 100 degree Fahrenheit due to the insulation.

Raines teaches the insulation keeps the object at the temperature that is at or below 100 degrees Fahrenheit due to the insulation (See Column 4, lines 58 – 61) for the purpose of preventing the product from excessive heat exposure.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make insulation of Raines that keeps object at the temperature that is at or below 100 degree Fahrenheit due to the insulation, since it has been held that where the general conditions of the claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding claim 15, Powell et al., discloses the carrier (10) has the compartment in which the object is supported and received (See Column 3, lines 8 – 11).

However, Powell et al., does not disclose the insulation keeps the object at the temperature that is at or below 100 degree Fahrenheit due to the insulation.

Raines teaches the insulation keeps the object at the temperature that is at or below 100 degrees Fahrenheit due to the insulation (See Column 4, lines 58 – 61) for the purpose of preventing the product from excessive heat exposure.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make insulation of Raines that keeps object at the temperature that is at or below 100 degree Fahrenheit due to the insulation, since it has been held that where the general conditions of the claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

10. Claims 7, 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell et al., (U.S. Patent Number 6223960) in view of Raines (U.S. Patent Number 6974007). Powell et al., discloses the plastic substrate comprises the shell (22) of the carrier (See Figure 1) and further comprising the layer overlying the shell (22) (See Column 1, lines 48 – 67).

However, Powell et al., does not disclose the insulation disposed between the carrier and the layer.

Raines teaches the insulation disposed between the carrier and the layer (See Column 4, lines 54 – 61) for the purpose of providing protection and durability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insulation disposed between the carrier and the layer as taught by Raines with the carrier of Powell et al., in order to enhance durability..

Regarding claim 8, Powell et al., further discloses the carrier comprises the motorcycle saddlebag (10) and the layer overlying the shell is comprised of leather (See Column 1, lines 64 – 67 & Column 2, line 1).

Regarding claim 12, Raines discloses the insulation reduces heat flux to the shell (12) as compared to the carrier having the shell (12) and the covering with no insulation therebetween.

However, Raines does not disclose the insulation reduces heat flux to the shell by at least 20%.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insulation of Raines reduces heat flux to the shell by at least 20%, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powell et al., (U.S. Patent Number 6223960) and Raines (U.S. Patent Number 6974007) as applied to claim 7 above, and further in view of Price, Sr. (U.S. Patent Number 5299832). Powell et al., and Raines disclose the invention substantially as claimed.

However, Powell et al., and Raines do not disclose the carrier comprising the motorcycle tour pack.

Price, Sr., teaches the carrier comprises the motorcycle tour pack (162) (See Figure 14) for the purpose or providing additional storage items.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the carrier comprise the motorcycle tour pack as taught by Price, Sr., with the carrier of Powell et al., in order to enhance addition storage capacity.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powell et al., (U.S. Patent Number 6223960) and Raines (U.S. Patent Number 6974007) as applied to claim 7 above, and further in view of Clerkin et al., (U.S. Patent Number 6007150). Powell et al., and Raines disclose the invention substantially as claimed.

However, Powell et al., and Raines do not disclose the vehicle seat assembly. Clerkin et al., teaches the vehicle seat assembly (See Figures 1, 2 & 4) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the vehicle seat assembly as taught by Clerkin et al., with the carrier of Powell et al., in order to enhance multi-functional capabilities.

13. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powell et al., (U.S. Patent Number 6223960) and Raines (U.S. Patent Number 6974007) as applied to claim 7 above, and further in view of Narula et al., (U.S. Patent Number 6309126). Powell et al, and Raines disclose the invention substantially as claimed. Powell et al., discloses the shell (22) (See Figure 1).

However, Powell et al., and Raines do not disclose the shell comprised of high-density polyethylene.

Narula et al., teaches the shell (12) is comprised of high-density polyethylene (See Column 3, lines 2 – 12) for the purpose of providing adequate durability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the shell comprised of high-density polyethylene as taught by Narula et al., with the carrier of Powell et al., in order to enhance product durability.

14. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powell et al., (U.S. Patent Number 6223960) and Raines (U.S. Patent Number 6974007) as applied to claim 7 above, and further in view of Kourtides et al., (U.S. Patent Number

5296288) and Calzavara et al., (U.S. Patent Publication Number 2003 / 0236043 A1).

Powell et al., and Raines disclose the invention substantially as claimed.

However, Powell et al., and Raines do not disclose the insulation comprised of the insulating material that includes at least one of the silica and the ceramic and the binder that includes at least one of the acrylic, the epoxy, and the latex.

Kourtides et al., teaches the insulation is comprised of the insulating material that includes ceramic (See Column 11, lines 9 –10) for the purpose of providing reliability and durability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insulation comprises of ceramic material bonded to each exterior surface as taught by Kourtides et al., with the carrier of Powell et al., in order to enhance reliability and durability.

Calzavara et al., teaches the insulation material includes the binder that includes acrylic (See Paragraph 0001, 0004, 0023 & 0035) for the purpose of providing reliability and durability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insulation including the binder that includes the acrylic as taught by Calzavara et al., with the carrier of Powell et al., in order to enhance reliability and durability.

15. Claims 16, 17 & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell et al., (U.S. Patent Number 6223960) in view of Raines (U.S. Patent

Number 6974007). Powell et al., discloses the plastic substrate (See Column 1, lines 48 – 50); the outer covering of the flexible material (See Column 1, lines 64 – 67) (See Figure 1).

However Powell et al., does not disclose the insulation disposed between the plastic substrate and the outer covering.

Raines teaches the insulation disposed between the plastic substrate and the outer covering (See Column 4, lines 54 – 61) for the purpose of providing durability protection.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insulation disposed between the plastic substrate and the outer covering as taught by Raines with the carrier of Powell et al., in order to enhance durability and product protection.

Regarding claim 17, Powell et al., discloses the carrier (See Figure 1) comprises the saddlebag (See Figure 1), the outer covering is comprised of leather (See Column 1, lines 64 – 67), synthetic leather or vinyl and the plastic substrate (See Column 1, lines 48 – 50).

However, Powell et al., does not disclose the insulation is disposed between the heat source of the vehicle to which the carrier is mounted and the plastic substrate.

Raines teaches the insulation is disposed between the heat source of the vehicle to which the carrier is mounted and the plastic substrate (See Column 4, lines 54 – 61) for the purpose of providing durability protection.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insulation disposed between the heat source of the vehicle to which the carrier is mounted and the plastic substrate as taught by Raines with the carrier of Powell et al., in order to enhance durability and product protection.

Regarding claim 19, Powell et al., discloses the plastic substrate (See Column 1, lines 48 – 50).

However, Powell et al., does not disclose the vehicle comprises the motorcycle, the heat source comprises the exhaust system of the motorcycle, and the outer covering overlying the portion of the motorcycle exhaust system.

Raines further discloses the vehicle (See Column 2, lines 30 – 31) comprises the motorcycle (See Figure 1), the heat source comprises the exhaust system of the motorcycle (See Figure 1), and the outer covering overlie the portion of the motorcycle exhaust system (See Figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the vehicle comprises the motorcycle, the heat source comprises the exhaust system of the motorcycle, and the outer covering overlying the portion of the motorcycle exhaust system as taught by Raines with the carrier of Powell et al., in order to enhance product durability.

16. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powell et al., (U.S. Patent Number 6223960) and Raines (U.S. Patent Number 6974007) as

applied to claim 17 above, and further in view of Kourtides et al., (U.S. Patent Number 5296288). Powell et al., and Raines disclose the invention substantially as claimed.

Raines discloses the vehicle (See Figure 1) comprises the motorcycle (See Column 2, lines 30 – 31) (See Figure 1), the heat source comprises the exhaust system of the motorcycle (See Figure 1).

However, Powell et al., and Raines do not disclose the insulation is comprised of one of silica and ceramic material.

Kourtides et al., teaches the insulation is comprised of ceramic material (See Column 11, lines 9 – 10) for the purpose of providing durability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insulation comprised of ceramic material as taught by Kourtides et al., with the carrier of Powell et al., in order to enhance durability.

17. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powell et al., (U.S. Patent Number 6223960) and Raines (U.S. Patent Number 6974007) as applied to claim 16 above, and further in view of Prince, Sr., (U.S. Patent Number 5299832). Powell et al., and Raines disclose the invention substantially as claimed. Powell et al., discloses the outer covering is comprised of leather (See Column 1, lines 58 – 61), synthetic leather or vinyl, the vehicle comprises the motorcycle (See Column 2, lines 58 – 62) and the plastic substrate (See Column 1, lines 48 – 60).

However, Powell et al., does not disclose the insulation disposed between the heat source of the motorcycle to which the carrier is mounted and the plastic substrate.

Raines teaches the insulation is disposed between the heat source of the motorcycle to which the carrier is mounted (See Column 4, lines 54 – 61) for the purpose of providing protection.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insulation disposed between the heat source of the motorcycle to which the carrier is mounted as taught by Raines with the carrier of Powell et al., in order to enhance product durability and protection.

However, Powell et al., and Raines do not disclose the carrier comprising the tour pack. Price, Sr., teaches the carrier comprises the tour pack (162) (See Figure 14) for the purpose of providing additional mobile transportation storage capacity.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the tour pack as taught by Prince, Sr., with the carrier of Powell et al., in order to enhance addition storage capacity.

18. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powell et al., (U.S. Patent Number 6223960) and Raines (U.S. Patent Number 6974007) as applied to claim 16 above, and further in view of Clerkin et al., (U.S. Patent Number 6007150) and McClintock et al., (U.S. Patent Number 6093910). Powell et al., and Raines disclose the invention substantially as claimed.

However, Powell et al., and Raines do not discloses the carrier comprises the vehicle seat assembly that includes the seat occupant supporting surfaces and the seat cushion overlying the plastic substrate, the plastic substrate comprises the three

dimensionally contoured seat pan of the vehicle seat assembly, and the insulation is disposed between the seat cushion of the vehicle seat assembly and the seat pan of the vehicle seat assembly.

Clerkin et al., teaches the carrier (See Figure 1) comprises the vehicle seat assembly (See Figure 1) that includes the seat occupant supporting surface (40) (See Figure 1) and the seat cushion (39) overlying the plastic substrate (68) (See Column 7, lines 4 – 6) (See Figures 2 & 4), the plastic substrate (68) comprises the three dimensionally contour seat pan of the vehicle seat assembly (See Column 7, lines 1 – 4) for the purpose of providing adequate ergonomics.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the carrier comprises the vehicle seat assembly that includes the seat occupant supporting surfaces and the seat cushion overlying the plastic substrate, the plastic substrate comprises the three dimensionally contoured seat pan of the vehicle seat assembly as taught by Clerkin et al., with the carrier of Powell et al., in order to enhance ergonomics.

McClintock et al., teaches the insulation is disposed between the seat cushion of the vehicle seat assembly and the seat pan of the vehicle seat assembly (See Claim 14) for the purpose of providing durability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to the insulation disposed between the seat cushion of the vehicle seat assembly and the seat pan of the vehicle seat assembly as taught by McClintock et al., with the carrier of Powell et al., in order to enhance durability.

19. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powell et al., (U.S. Patent Number 6223960) in view of Jones et al., (U.S. Patent Number 5628436). Powell et al., discloses the plastic inner shell (See Column 1, lines 61 – 62) having the plurality of end walls and the plurality of sidewalls defining the cavity therebetween; the outer covering that covers the exterior surface of each one of the end walls and the sidewalls (See column 1, lines 57 – 61).

However, Powell does not disclose the insulation disposed between the outer covering and the exterior surface of each one of the end walls and the sidewalls.

Jones et al., teaches the insulation disposed between the outer covering and the exterior surface of each one of the end walls and the sidewalls (See Column 1, lines 46 – 50) for the purpose of providing protection and product durability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insulation disposed between the outer covering and the exterior surface of each one of the end walls and the sidewalls as taught by Jones et al., with the carrier of Powell et al., in order to enhance product durability.

20. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powell et al., (U.S. Patent Number 6223960) and Jones et al., (U.S. Patent Number 5628436) as applied to claim 22 above, and further in view of Narula et al., (U.S. Patent Number 6309126). Powell et al., discloses the vehicle comprises the motorcycle (See Column 2, line 58 – 62) and the shell (See Column 4, lines 38 – 40).

However, Powell et al., does not disclose the shell comprised of the polyethylene.

Narula et al., teaches the shell (12) is comprised of the polyethylene (See Column 3, lines 2 – 12) for the purpose of durability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the shell comprised of the polyethylene as taught by Narula et al., with the carrier of Powell et al., in order to enhance durability.

However, Powell et al., does not disclose the insulation is comprised of one of silica and ceramic material bonded to each exterior surface.

Kourtides et al., teaches the insulation is comprised of ceramic material bonded to each exterior surface (See Column 11, lines 9 – 11) for the purpose of providing reliability and durability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insulation comprises of ceramic material bonded to each exterior surface as taught by Kourtides et al., with the carrier of Powell et al., in order to enhance reliability and durability.

Regarding claim 24, Powell et al., further discloses the cover (22) (See Figure 1), the outer covering (See Column 1, lines 55 – 61) that covers the exterior surface of the cover (22).

However, Powell et al., does not disclose the insulation disposed between the cover and the outer covering.

Jones et al., teaches the insulation disposed between the outer covering and the exterior surface (See Column 1, lines 46 – 50) for the purpose of providing protection and product durability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insulation disposed between the cover and the outer covering, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

21. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al., (U.S. Patent Number 5628436) and in view of Powell et al., (U.S. Patent Number 6223960). Jones et al., discloses the inner shell (34) (See Figure 1) having at least one sidewall (See Figure 1) that defines the article holding cavity (See Figures 1 – 3); the first insulation disposed between the first outer covering and the exterior surface of the sidewall (See Column 1, lines 46 – 50); the second insulation disposed between the second outer covering and the exterior surface of the cap (48) (See Column 3, lines 38 – 39).

However, Jones et al., does not disclose the first outer covering that covers the exterior surface of the side wall; the cap that is hinged attached to one of the inner shell and the first outer covering; the second outer covering that covers the exterior surface of the cap.

Powell et al., teaches the first outer covering that covers the exterior surface of the side wall (See Column 1, lines 64 – 67); the cap (22) that is hinged (24) attached to

one of the inner shell (20) and the first outer covering (See Column 3, lines 7 – 8) (See Figure 2); the second outer covering that covers the exterior surface of the cap (22) (See Column 1, lines 57 – 61) for the purpose of providing durability and product reliability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the first outer covering that covers the exterior surface of the side wall; the cap that is hinged attached to one of the inner shell and the first outer covering; the second outer covering that covers the exterior surface of the cap as taught by Powell et al., with the carrier of Jones et al., in order to enhance product reliability and durability.

22. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al., (U.S. Patent Number 5628436) and in view of Powell et al., (U.S. Patent Number 6223960) and Kourtides et al., (U.S. Patent Number 5296288). Jones et al., discloses the inner shell (34) (See Figure 1) having at least one sidewall (See Figure 1) that defines the article holding cavity (See Figures 1 – 3); the first insulation disposed between the first outer covering and the exterior surface of the sidewall (See Column 1, lines 46 – 50); the second insulation disposed between the second outer covering and the exterior surface of the cap (48) (See Column 3, lines 38 – 39).

However, Jones et al., does not disclose the first outer covering that covers the exterior surface of the side wall; the cap that is hinged attached to one of the inner shell

and the first outer covering; the second outer covering that covers the exterior surface of the cap.

Powell et al., teaches the first outer covering that covers the exterior surface of the side wall (See Column 1, lines 64 – 67); the cap (22) that is hinged (24) attached to one of the inner shell (20) and the first outer covering (See Column 3, lines 7 – 8) (See Figure 2); the second outer covering that covers the exterior surface of the cap (22) (See Column 1, lines 57 – 61) for the purpose of providing durability and product reliability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the first outer covering that covers the exterior surface of the side wall; the cap that is hinged attached to one of the inner shell and the first outer covering; the second outer covering that covers the exterior surface of the cap as taught by Powell et al., with the carrier of Jones et al., in order to enhance product reliability and durability.

However, Jones et al., does not disclose the first and second insulation is comprised of one of ceramic particles and silica particles.

Kourtides et al., teaches the first insulation is comprised of ceramic particles (See Column 1, lines 9 – 10) for the purpose of providing reliability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the second insulation comprised of ceramic particles as taught by Kourtides et al., since it has bee held that mere duplication of the essential

working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Conclusion

Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JES F. PASCUA
PRIMARY EXAMINER

LLV
August 15, 2006